

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

CASE NO. CR18-0194-JCC

10 Plaintiff,

ORDER

11 v.

12 KEVIN SCOTT TA,

13 Defendant.
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15 This matter comes before the Court on Defendant's unopposed motion to continue trial
16 and the pretrial motions deadline (Dkt. No. 15). Defendant has filed a speedy trial waiver up to
17 March 25, 2019. (Dkt. No. 17.) Having considered Defendant's motion (Dkt. No. 15) and speedy
18 trial waiver (Dkt. No. 17), the Court FINDS:

- 19 1. Taking into account the exercise of due diligence, a failure to grant a continuance
20 would deny defense counsel the reasonable time necessary for effective preparation,
21 due to defense counsel's need for more time to review the evidence, consider possible
22 defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. §
23 3161(h)(7)(B)(iv);
- 24 2. Aspects of this case are unusual and complex, such that it is unreasonable to expect
25 adequate preparation for pretrial proceedings or for the trial itself within the time
26 limits established by 18 U.S.C. § 3161, as set forth in 18 U.S.C. § 3161(h)(7)(B)(ii);

- 1 3. A failure to grant a continuance would likely result in a miscarriage of justice, as set
2 forth in 18 U.S.C. § 3161(h)(7)(B)(i);
- 3 4. The additional time requested is a reasonable period of delay, as Defendant has
4 requested more time to prepare for trial, to investigate the matter, to gather evidence
5 material to his defense, and to consider possible defenses;
- 6 5. The ends of justice will best be served by a continuance, and the ends of justice
7 outweigh the best interests of the public and Defendant in any speedier trial, as set
8 forth in 18 U.S.C. § 3161(h)(7)(A); and
- 9 6. The additional time requested between the current trial date of October 1, 2018 and
10 the new trial date is necessary to provide defense counsel reasonable time to prepare
11 for trial considering counsel's schedule and all of the facts set forth above.

12 It is therefore ORDERED that the trial date be continued from October 1, 2018 to
13 February 4, 2019 at 9:30 a.m., and that the time between the date of this Order and the new trial
14 date is excludable time under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A),
15 3161(h)(7)(B)(ii), 3161(h)(7)(B)(iv), and 3161(h)(6). Any pretrial motions shall be filed no later
16 than December 31, 2018.

17 For the foregoing reasons, Defendant's motion to continue trial (Dkt. No. 15) is
18 GRANTED.

19 DATED this 14th day of September 2018.

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23 John C. Coughenour
24 UNITED STATES DISTRICT JUDGE
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